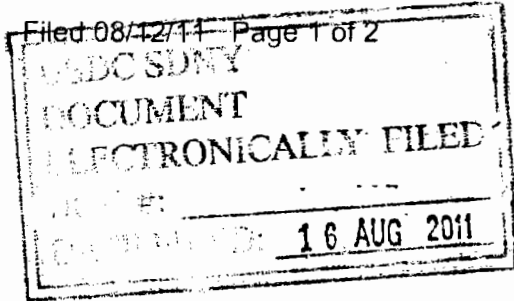


Case 1:11-cv-01080-LTS -FM Document 30 Filed 08/12/11 Page 1 of 2



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ERGON, INC. and ERGON ASPHALT &
EMULSIONS, INC.,

Plaintiffs,

- against -

NEW YORK MARINE AND GENERAL
INSURANCE COMPANY, and PROSIGHT
SPECIALTY MANAGEMENT COMPANY,
INC., f/k/a MUTUAL MARINE OFFICE,
INC. and MUTUAL MARINE OFFICE OF
THE MIDWEST, INC.,

Defendants.

No. 1:11-cv-01080-LTS

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

Pursuant to Federal Rule of Civil Procedure 41(a)(1), it is hereby stipulated and agreed by and between the undersigned attorneys for the parties in the above-captioned action (the "Action") that the Action is hereby dismissed without prejudice, with each party to bear its own costs and attorneys' fees.

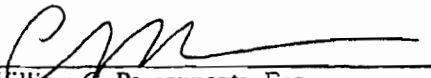
It is further stipulated and agreed by and between the undersigned attorneys for the parties in the Action that any future claims concerning insurance coverage for *Quick v. BP Products North America et al.*, Case No. 0916-CV01903 (Cir. Ct. Jackson County, MO, filed Jan. 27, 2009) asserted between the parties named in the Action are to be brought in the United

Case 1:11-cv-01080-LTS -FM Document 30 Filed 08/12/11 Page 2 of 2

States District Court for the Southern District of New York.

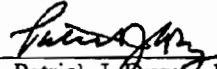
Dated: August 12, 2011

ANDERSON KILL & OLICK, P.C.

By: 
William G. Passannante, Esq.
Alex D. Hardiman, Esq.
Carrie L. Maylor, Esq.
1251 Avenue of the Americas
New York, NY 10020

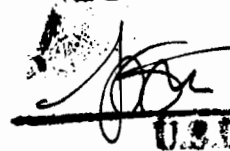
*Attorneys for Plaintiffs Ergon Inc. and
Ergon Asphalt & Emulsions, Inc.*

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New York Marine and General
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Specialty Management Company,
Inc., f/k/a Mutual Marine Office, Inc.
and also f/k/a Mutual Marine Office
of the Midwest, Inc.*

SO ORDERED:

 8/16/2011
U.S.D.C.

